

**(2) Report on management**

Not later than 4 years after the date on which the transfer of functions specified under section 251 of this title takes effect, the Comptroller General of the United States shall submit to the Committees on Appropriations and on the Judiciary of the House of Representatives and the Senate a report, following a study, containing the following:

(A) Determinations of whether the transfer of functions from the Immigration and Naturalization Service to the Bureau of Citizenship and Immigration Services and the Bureau of Border Security have improved, with respect to each function transferred, the following:

- (i) Operations.
- (ii) Management, including accountability and communication.
- (iii) Financial administration.
- (iv) Recordkeeping, including information management and technology.

(B) A statement of the reasons for the determinations under subparagraph (A).

(C) Any recommendations for further improvements to the Bureau of Citizenship and Immigration Services and the Bureau of Border Security.

**(3) Report on fees**

Not later than 1 year after November 25, 2002, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report examining whether the Bureau of Citizenship and Immigration Services is likely to derive sufficient funds from fees to carry out its functions in the absence of appropriated funds.

(Pub. L. 107–296, title IV, § 477, Nov. 25, 2002, 116 Stat. 2209.)

## REFERENCES IN TEXT

The effective date of this chapter, referred to in subsecs. (a), (b), and (c)(1), is 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of this title.

The Immigration and Nationality Act, referred to in subsec. (c)(2)(F), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§ 1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

Parts D and E of this subchapter, referred to in subsec. (d)(1)(A), (B), was in the original “subtitles D and E”, meaning subtitles D (§§ 441–446) and E (§§ 451–462) of title IV of Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2192, 2195, which enacted parts D and E of this subchapter, amended sections 1356 and 1573 of Title 8, Aliens and Nationality, and enacted provisions set out as a note under section 271 of this title. For complete classification of subtitles D and E to the Code, see Tables.

## CHANGE OF NAME

Bureau of Border Security, referred to in text, changed to Bureau of Immigration and Customs Enforcement by Reorganization Plan Modification for the Department of Homeland Security, eff. Mar. 1, 2003, H. Doc. No. 108–32, 108th Congress, 1st Session, set out as a note under section 542 of this title.

**§ 298. Immigration functions****(a) Annual report****(1) In general**

One year after November 25, 2002, and each year thereafter, the Secretary shall submit a report to the President, to the Committees on the Judiciary and Government Reform of the House of Representatives, and to the Committees on the Judiciary and Government Affairs of the Senate, on the impact the transfers made by this part has had on immigration functions.

**(2) Matter included**

The report shall address the following with respect to the period covered by the report:

(A) The aggregate number of all immigration applications and petitions received, and processed, by the Department.

(B) Region-by-region statistics on the aggregate number of immigration applications and petitions filed by an alien (or filed on behalf of an alien) and denied, disaggregated by category of denial and application or petition type.

(C) The quantity of backlogged immigration applications and petitions that have been processed, the aggregate number awaiting processing, and a detailed plan for eliminating the backlog.

(D) The average processing period for immigration applications and petitions, disaggregated by application or petition type.

(E) The number and types of immigration-related grievances filed with any official of the Department of Justice, and if those grievances were resolved.

(F) Plans to address grievances and improve immigration services.

(G) Whether immigration-related fees were used consistent with legal requirements regarding such use.

(H) Whether immigration-related questions conveyed by customers to the Department (whether conveyed in person, by telephone, or by means of the Internet) were answered effectively and efficiently.

**(b) Sense of Congress regarding immigration services**

It is the sense of Congress that—

(1) the quality and efficiency of immigration services rendered by the Federal Government should be improved after the transfers made by this part take effect; and

(2) the Secretary should undertake efforts to guarantee that concerns regarding the quality and efficiency of immigration services are addressed after such effective date.

(Pub. L. 107–296, title IV, § 478, Nov. 25, 2002, 116 Stat. 2211.)

## SUBCHAPTER V—NATIONAL EMERGENCY MANAGEMENT

## AMENDMENTS

2006—Pub. L. 109–295, title VI, § 611(1), Oct. 4, 2006, 120 Stat. 1395, substituted “NATIONAL EMERGENCY MANAGEMENT” for “EMERGENCY PREPAREDNESS AND RESPONSE” in subchapter heading.

**§ 311. Definitions**

In this subchapter—

(1) the term “Administrator” means the Administrator of the Agency;

(2) the term “Agency” means the Federal Emergency Management Agency;

(3) the term “catastrophic incident” means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

(4) the term “Federal coordinating officer” means a Federal coordinating officer as described in section 5143 of title 42;

(5) the term “interoperable” has the meaning given the term “interoperable communications” under section 194(g)(1) of this title;

(6) the term “National Incident Management System” means a system to enable effective, efficient, and collaborative incident management;

(7) the term “National Response Plan” means the National Response Plan or any successor plan prepared under section 314(a)(6)<sup>1</sup> of this title;

(8) the term “Regional Administrator” means a Regional Administrator appointed under section 317 of this title;

(9) the term “Regional Office” means a Regional Office established under section 317 of this title;

(10) the term “surge capacity” means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing (including disaster assistance employees), and other resources necessary to save lives and protect property during a catastrophic incident; and

(11) the term “tribal government” means the government of any entity described in section 101(10)(B) of this title.

(Pub. L. 107-296, title V, § 501, as added Pub. L. 109-295, title VI, § 611(10), Oct. 4, 2006, 120 Stat. 1395.)

#### REFERENCES IN TEXT

Section 314(a)(6) of this title, referred to in par. (7), was in the original “section 502(a)(6)” and was translated as meaning section 502 of Pub. L. 107-296 prior to its redesignation as section 504 by Pub. L. 109-295, § 611(8), and not section 506 which was redesignated section 502 by Pub. L. 109-295, § 611(9), and is classified to section 312 of this title, to reflect the probable intent of Congress.

#### PRIOR PROVISIONS

A prior section 311, Pub. L. 107-296, title V, § 501, Nov. 25, 2002, 116 Stat. 2212, provided for an Under Secretary for Emergency Preparedness and Response, prior to repeal by Pub. L. 109-295, title VI, § 611(2), Oct. 4, 2006, 120 Stat. 1395.

#### CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emer-

gency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of this title.

#### INTERIM ACTIONS

Pub. L. 109-295, title VI, § 612(f)(1), Oct. 4, 2006, 120 Stat. 1411, provided that: “During the period beginning on the date of enactment of this Act [Oct. 4, 2006] and ending on March 31, 2007, the Secretary [of Homeland Security], the Under Secretary for Preparedness, and the Director of the Federal Emergency Management Agency shall take such actions as are necessary to provide for the orderly implementation of any amendment under this subtitle [subtitle A (§§ 611-614) of title VI of Pub. L. 109-295, see Tables for classification] that takes effect on March 31, 2007.”

#### § 312. Definition

In this subchapter, the term “Nuclear Incident Response Team” means a resource that includes—

(1) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

(2) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions.

(Pub. L. 107-296, title V, § 502, formerly § 506, Nov. 25, 2002, 116 Stat. 2214; renumbered § 502, Pub. L. 109-295, title VI, § 611(9), Oct. 4, 2006, 120 Stat. 1395.)

#### CODIFICATION

Section was formerly classified to section 316 of this title prior to renumbering by Pub. L. 109-295.

#### PRIOR PROVISIONS

A prior section 502 of Pub. L. 107-296 was renumbered section 504 and is classified to section 314 of this title.

#### § 313. Federal Emergency Management Agency

##### (a) In general

There is in the Department the Federal Emergency Management Agency, headed by an Administrator.

##### (b) Mission

###### (1) Primary mission

The primary mission of the Agency is to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

###### (2) Specific activities

In support of the primary mission of the Agency, the Administrator shall—

(A) lead the Nation’s efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural dis-

<sup>1</sup> See References in Text note below.

asters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(B) partner with State, local, and tribal governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(C) develop a Federal response capability that, when necessary and appropriate, can act effectively and rapidly to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural disaster, act of terrorism, or other man-made disaster;

(D) integrate the Agency's emergency preparedness, protection, response, recovery, and mitigation responsibilities to confront effectively the challenges of a natural disaster, act of terrorism, or other man-made disaster;

(E) develop and maintain robust Regional Offices that will work with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;

(F) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department;

(G) provide funding, training, exercises, technical assistance, planning, and other assistance to build tribal, local, State, regional, and national capabilities (including communications capabilities), necessary to respond to a natural disaster, act of terrorism, or other man-made disaster; and

(H) develop and coordinate the implementation of a risk-based, all-hazards strategy for preparedness that builds those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation.

### **(c) Administrator**

#### **(1) In general**

The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

#### **(2) Qualifications**

The Administrator shall be appointed from among individuals who have—

(A) a demonstrated ability in and knowledge of emergency management and homeland security; and

(B) not less than 5 years of executive leadership and management experience in the public or private sector.

### **(3) Reporting**

The Administrator shall report to the Secretary, without being required to report through any other official of the Department.

### **(4) Principal advisor on emergency management**

#### **(A) In general**

The Administrator is the principal advisor to the President, the Homeland Security Council, and the Secretary for all matters relating to emergency management in the United States.

#### **(B) Advice and recommendations**

##### **(i) In general**

In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency preparedness, protection, response, recovery, and mitigation options with respect to that matter.

##### **(ii) Advice on request**

The Administrator, as the principal advisor on emergency management, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

##### **(iii) Recommendations to Congress**

After informing the Secretary, the Administrator may make such recommendations to Congress relating to emergency management as the Administrator considers appropriate.

### **(5) Cabinet status**

#### **(A) In general**

The President may designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters.

#### **(B) Retention of authority**

Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this chapter.

(Pub. L. 107-296, title V, § 503, as added Pub. L. 109-295, title VI, § 611(11), Oct. 4, 2006, 120 Stat. 1396.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(5)(B), was in the original “this Act”, meaning Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

#### PRIOR PROVISIONS

A prior section 313, Pub. L. 107-296, title V, § 503, Nov. 25, 2002, 116 Stat. 2213; Pub. L. 108-276, § 3(c)(3), July 21, 2004, 118 Stat. 853; Pub. L. 109-417, title III, § 301(c)(2), Dec. 19, 2006, 120 Stat. 2854, related to the transfer of

certain functions to the Secretary of Homeland Security, prior to repeal by Pub. L. 109-295, title VI, §611(3), Oct. 4, 2006, 120 Stat. 1395.

#### CHANGE OF NAME

Pub. L. 109-295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410, provided that: “Any reference to the Director of the Federal Emergency Management Agency, in any law, rule, regulation, certificate, directive, instruction, or other official paper shall be considered to refer and apply to the Administrator of the Federal Emergency Management Agency.”

Pub. L. 109-295, title VI, §612(f)(2), Oct. 4, 2006, 120 Stat. 1411, provided that: “Any reference to the Administrator of the Federal Emergency Management Agency in this title [see Tables for classification] or an amendment by this title shall be considered to refer and apply to the Director of the Federal Emergency Management Agency until March 31, 2007.”

#### EFFECTIVE DATE

Section effective Mar. 31, 2007, see section 614(b)(1) of Pub. L. 109-295, set out as a note under section 701 of this title.

### § 314. Authority and responsibilities

#### (a) In general

The Administrator shall provide Federal leadership necessary to prepare for, protect against, respond to, recover from, or mitigate against a natural disaster, act of terrorism, or other man-made disaster, including—

(1) helping to ensure the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies;

(2) with respect to the Nuclear Incident Response Team (regardless of whether it is operating as an organizational unit of the Department pursuant to this subchapter)—

(A) establishing standards and certifying when those standards have been met;

(B) conducting joint and other exercises and training and evaluating performance; and

(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

(3) providing the Federal Government’s response to terrorist attacks and major disasters, including—

(A) managing such response;

(B) directing the Domestic Emergency Support Team and (when operating as an organizational unit of the Department pursuant to this subchapter) the Nuclear Incident Response Team;

(C) overseeing the Metropolitan Medical Response System; and

(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a terrorist attack or major disaster;

(4) aiding the recovery from terrorist attacks and major disasters;

(5) building a comprehensive national incident management system with Federal, State, and local government personnel, agencies, and authorities, to respond to such attacks and disasters;

(6) consolidating existing Federal Government emergency response plans into a single, coordinated national response plan;

(7) helping ensure the acquisition of operable and interoperable communications capabilities by Federal, State, local, and tribal governments and emergency response providers;

(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and carrying out all functions and authorities given to the Administrator under that Act;

(9) carrying out the mission of the Agency to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a risk-based, comprehensive emergency management system of—

(A) mitigation, by taking sustained actions to reduce or eliminate long-term risks to people and property from hazards and their effects;

(B) preparedness, by planning, training, and building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services; and

(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards;

(10) increasing efficiencies, by coordinating efforts relating to preparedness, protection, response, recovery, and mitigation;

(11) helping to ensure the effectiveness of emergency response providers in responding to a natural disaster, act of terrorism, or other man-made disaster;

(12) supervising grant programs administered by the Agency;

(13) administering and ensuring the implementation of the National Response Plan, including coordinating and ensuring the readiness of each emergency support function under the National Response Plan;

(14) coordinating with the National Advisory Council established under section 318 of this title;

(15) preparing and implementing the plans and programs of the Federal Government for—

(A) continuity of operations;

(B) continuity of government; and

(C) continuity of plans;

(16) minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector;

(17) maintaining and operating within the Agency the National Response Coordination Center or its successor;

(18) developing a national emergency management system that is capable of preparing for, protecting against, responding to, recovering from, and mitigating against catastrophic incidents;

(19) assisting the President in carrying out the functions under the national preparedness goal and the national preparedness system and carrying out all functions and authorities of the Administrator under the national preparedness System;

(20) carrying out all authorities of the Federal Emergency Management Agency and the Directorate of Preparedness of the Department as transferred under section 315 of this title; and

(21) otherwise carrying out the mission of the Agency as described in section 313(b) of this title.

#### (b) All-hazards approach

In carrying out the responsibilities under this section, the Administrator shall coordinate the implementation of a risk-based, all-hazards strategy that builds those common capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against natural disasters, acts of terrorism, and other man-made disasters, while also building the unique capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against the risks of specific types of incidents that pose the greatest risk to the Nation.

(Pub. L. 107-296, title V, § 504, formerly § 502, Nov. 25, 2002, 116 Stat. 2212; Pub. L. 108-276, § 3(b)(1), July 21, 2004, 118 Stat. 852; Pub. L. 108-458, title VII, § 7303(h)(1), Dec. 17, 2004, 118 Stat. 3846; renumbered § 504 and amended Pub. L. 109-295, title VI, § 611(8), (12), Oct. 4, 2006, 120 Stat. 1395, 1398; Pub. L. 109-417, title III, § 301(c)(1), Dec. 19, 2006, 120 Stat. 2854.)

#### REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a)(8), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

#### CODIFICATION

Section was formerly classified to section 312 of this title prior to renumbering by Pub. L. 109-295.

#### PRIOR PROVISIONS

A prior section 504 of Pub. L. 107-296 was renumbered section 517 and is classified to section 321f of this title.

#### AMENDMENTS

2006—Pub. L. 109-295, § 611(12)(A), (B), inserted “Authority and” before “responsibilities” in section catchline, designated existing provisions as subsec. (a), inserted subsec. heading, and substituted “The Administrator shall provide Federal leadership necessary to prepare for, protect against, respond to, recover from, or mitigate against a natural disaster, act of terrorism, or other man-made disaster, including—” for “The Secretary, acting through the Under Secretary for Emergency Preparedness and Response, shall include—” in introductory provisions.

Subsec. (a)(3)(B), Pub. L. 109-417, which directed that section 502(3)(B) of Pub. L. 107-296 be amended by striking “, the National Disaster Medical System,” was executed by striking those words after “Domestic Emergency Support Team” in subsec. (a)(3)(B) of this section, to reflect the probable intent of Congress and the redesignation of section 502(3)(B) as 504(a)(3)(B) by Pub.

L. 109-295, § 611(8), (12)(B). See credits and Amendment note above.

Subsec. (a)(7) to (21), Pub. L. 109-295, § 611(12)(C), (D), added pars. (7) to (21) and struck out former par. (7) which read as follows: “helping to ensure that emergency response providers acquire interoperable communications technology.”

Subsec. (b), Pub. L. 109-295, § 611(12)(D), added subsec. (b).

2004—Par. (3)(B), Pub. L. 108-276, § 3(b)(1)(A), struck out “the Strategic National Stockpile,” after “Domestic Emergency Support Team.”

Par. (3)(D), Pub. L. 108-276, § 3(b)(1)(B), inserted “, including requiring deployment of the Strategic National Stockpile,” after “resources”.

Par. (7), Pub. L. 108-458 struck out “developing comprehensive programs for developing interoperative communications technology, and” before “helping” and substituted “acquire interoperable communications technology” for “acquire such technology”.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-417, title III, § 301(f), Dec. 19, 2006, 120 Stat. 2855, provided that: “The amendments made by subsections (b) and (c) [amending this section and former section 313 of this title and enacting provisions set out as a note under section 300hh-11 of Title 42, The Public Health and Welfare] shall take effect on January 1, 2007.”

Amendment by section 611(12) of Pub. L. 109-295 effective Mar. 31, 2007, see section 614(b)(2) of Pub. L. 109-295, set out as an Effective Date note under section 701 of this title.

#### EX. ORD. NO. 13347. INDIVIDUALS WITH DISABILITIES IN EMERGENCY PREPAREDNESS

Ex. Ord. No. 13347, July 22, 2004, 69 F.R. 44573, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen emergency preparedness with respect to individuals with disabilities, it is hereby ordered as follows:

**SECTION 1. Policy.** To ensure that the Federal Government appropriately supports safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism, it shall be the policy of the United States that executive departments and agencies of the Federal Government (agencies):

(a) consider, in their emergency preparedness planning, the unique needs of agency employees with disabilities and individuals with disabilities whom the agency serves;

(b) encourage, including through the provision of technical assistance, as appropriate, consideration of the unique needs of employees and individuals with disabilities served by State, local, and tribal governments and private organizations and individuals in emergency preparedness planning; and

(c) facilitate cooperation among Federal, State, local, and tribal governments and private organizations and individuals in the implementation of emergency preparedness plans as they relate to individuals with disabilities.

**SEC. 2. Establishment of Council.** (a) There is hereby established, within the Department of Homeland Security for administrative purposes, the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (the “Council”). The Council shall consist exclusively of the following members or their designees:

(i) the heads of executive departments, the Administrator of the Environmental Protection Agency, the Administrator of General Services, the Director of the Office of Personnel Management, and the Commissioner of Social Security; and

(ii) any other agency head as the Secretary of Homeland Security may, with the concurrence of the agency head, designate.

(b) The Secretary of Homeland Security shall chair the Council, convene and preside at its meetings, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Council, which shall consist exclusively of Council members.

(c) A member of the Council may designate, to perform the Council functions of the member, an employee of the member's department or agency who is either an officer of the United States appointed by the President, or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS-15 of the General Schedule.

SEC. 3. *Functions of Council.* (a) The Council shall:

(i) coordinate implementation by agencies of the policy set forth in section 1 of this order;

(ii) whenever the Council obtains in the performance of its functions information or advice from any individual who is not a full-time or permanent part-time Federal employee, obtain such information and advice only in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation; and

(iii) at the request of any agency head (or the agency head's designee under section 2(c) of this order) who is a member of the Council, unless the Secretary of Homeland Security declines the request, promptly review and provide advice, for the purpose of furthering the policy set forth in section 1, on a proposed action by that agency.

(b) The Council shall submit to the President each year beginning 1 year after the date of this order, through the Assistant to the President for Homeland Security, a report that describes:

(i) the achievements of the Council in implementing the policy set forth in section 1;

(ii) the best practices among Federal, State, local, and tribal governments and private organizations and individuals for emergency preparedness planning with respect to individuals with disabilities; and

(iii) recommendations of the Council for advancing the policy set forth in section 1.

SEC. 4. *General.* (a) To the extent permitted by law:

(i) agencies shall assist and provide information to the Council for the performance of its functions under this order; and

(ii) the Department of Homeland Security shall provide funding and administrative support for the Council.

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

GEORGE W. BUSH.

#### § 314a. FEMA programs

Notwithstanding any other provision of Federal law, as of April 1, 2007, the Director of the Federal Emergency Management Agency shall be responsible for the radiological emergency preparedness program and the chemical stockpile emergency preparedness program.

(Pub. L. 109-347, title VI, § 612, Oct. 13, 2006, 120 Stat. 1943.)

#### CODIFICATION

Section was enacted as part of the Security and Accountability For Every Port Act of 2006, also known as the SAFE Port Act, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

#### CHANGE OF NAME

References to the Director of the Federal Emergency Management Agency considered to refer and apply to the Administrator of the Federal Emergency Management Agency, see section 612(c) of Pub. L. 109-295, set out as a note under section 313 of this title.

#### § 315. Functions transferred

##### (a) In general

Except as provided in subsection (b), there are transferred to the Agency the following:

(1) All functions of the Federal Emergency Management Agency, including existing responsibilities for emergency alert systems and continuity of operations and continuity of government plans and programs as constituted on June 1, 2006, including all of its personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Federal Emergency Management relating thereto.

(2) The Directorate of Preparedness, as constituted on June 1, 2006, including all of its functions, personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Preparedness relating thereto.

##### (b) Exceptions

The following within the Preparedness Directorate shall not be transferred:

(1) The Office of Infrastructure Protection.

(2) The National Communications System.

(3) The National Cybersecurity Division.

(4) The Office of the Chief Medical Officer.

(5) The functions, personnel, assets, components, authorities, and liabilities of each component described under paragraphs (1) through (4).

(Pub. L. 107-296, title V, § 505, as added Pub. L. 109-295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1400.)

#### PRIOR PROVISIONS

A prior section 505 of Pub. L. 107-296 was renumbered section 518 and is classified to section 321g of this title.

#### EFFECTIVE DATE

Section effective Mar. 31, 2007, see section 614(b)(3) of Pub. L. 109-295, set out as a note under section 701 of this title.

#### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of this title and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of this title.

#### § 316. Preserving the Federal Emergency Management Agency

##### (a) Distinct entity

The Agency shall be maintained as a distinct entity within the Department.

##### (b) Reorganization

Section 452 of this title shall not apply to the Agency, including any function or organizational unit of the Agency.

**(c) Prohibition on changes to missions****(1) In general**

The Secretary may not substantially or significantly reduce the authorities, responsibilities, or functions of the Agency or the capability of the Agency to perform those missions, authorities, responsibilities, except as otherwise specifically provided in an Act enacted after October 4, 2006.

**(2) Certain transfers prohibited**

No asset, function, or mission of the Agency may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the capability of the Agency to perform its missions.

**(d) Reprogramming and transfer of funds**

In reprogramming or transferring funds, the Secretary shall comply with any applicable provisions of any Act making appropriations for the Department for fiscal year 2007, or any succeeding fiscal year, relating to the reprogramming or transfer of funds.

(Pub. L. 107-296, title V, § 506, as added Pub. L. 109-295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1400.)

**PRIOR PROVISIONS**

A prior section 506 of Pub. L. 107-296 was renumbered section 502 and is classified to section 312 of this title.

**§ 317. Regional offices****(a) In general**

There are in the Agency 10 regional offices, as identified by the Administrator.

**(b) Management of regional offices****(1) Regional Administrator**

Each Regional Office shall be headed by a Regional Administrator who shall be appointed by the Administrator, after consulting with State, local, and tribal government officials in the region. Each Regional Administrator shall report directly to the Administrator and be in the Senior Executive Service.

**(2) Qualifications****(A) In general**

Each Regional Administrator shall be appointed from among individuals who have a demonstrated ability in and knowledge of emergency management and homeland security.

**(B) Considerations**

In selecting a Regional Administrator for a Regional Office, the Administrator shall consider the familiarity of an individual with the geographical area and demographic characteristics of the population served by such Regional Office.

**(c) Responsibilities****(1) In general**

The Regional Administrator shall work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, medical providers, the pri-

vate sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

**(2) Responsibilities**

The responsibilities of a Regional Administrator include—

(A) ensuring effective, coordinated, and integrated regional preparedness, protection, response, recovery, and mitigation activities and programs for natural disasters, acts of terrorism, and other man-made disasters (including planning, training, exercises, and professional development);

(B) assisting in the development of regional capabilities needed for a national catastrophic response system;

(C) coordinating the establishment of effective regional operable and interoperable emergency communications capabilities;

(D) staffing and overseeing 1 or more strike teams within the region under subsection (f), to serve as the focal point of the Federal Government's initial response efforts for natural disasters, acts of terrorism, and other man-made disasters within that region, and otherwise building Federal response capabilities to respond to natural disasters, acts of terrorism, and other man-made disasters within that region;

(E) designating an individual responsible for the development of strategic and operational regional plans in support of the National Response Plan;

(F) fostering the development of mutual aid and other cooperative agreements;

(G) identifying critical gaps in regional capabilities to respond to populations with special needs;

(H) maintaining and operating a Regional Response Coordination Center or its successor; and

(I) performing such other duties relating to such responsibilities as the Administrator may require.

**(3) Training and exercise requirements****(A) Training**

The Administrator shall require each Regional Administrator to undergo specific training periodically to complement the qualifications of the Regional Administrator. Such training, as appropriate, shall include training with respect to the National Incident Management System, the National Response Plan, and such other subjects as determined by the Administrator.

**(B) Exercises**

The Administrator shall require each Regional Administrator to participate as appropriate in regional and national exercises.

**(d) Area offices****(1) In general**

There is an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.

**(2) Alaska**

The Administrator shall establish an Area Office in Alaska, as a component in the appropriate Regional Office.

**(e) Regional Advisory Council****(1) Establishment**

Each Regional Administrator shall establish a Regional Advisory Council.

**(2) Nominations**

A State, local, or tribal government located within the geographic area served by the Regional Office may nominate officials, including Adjutants General and emergency managers, to serve as members of the Regional Advisory Council for that region.

**(3) Responsibilities**

Each Regional Advisory Council shall—

(A) advise the Regional Administrator on emergency management issues specific to that region;

(B) identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, protection, response, recovery, or mitigation more complicated or difficult; and

(C) advise the Regional Administrator of any weaknesses or deficiencies in preparedness, protection, response, recovery, and mitigation for any State, local, and tribal government within the region of which the Regional Advisory Council is aware.

**(f) Regional Office strike teams****(1) In general**

In coordination with other relevant Federal agencies, each Regional Administrator shall oversee multi-agency strike teams authorized under section 5144 of title 42 that shall consist of—

(A) a designated Federal coordinating officer;

(B) personnel trained in incident management;

(C) public affairs, response and recovery, and communications support personnel;

(D) a defense coordinating officer;

(E) liaisons to other Federal agencies;

(F) such other personnel as the Administrator or Regional Administrator determines appropriate; and

(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan.

**(2) Other duties**

The duties of an individual assigned to a Regional Office strike team from another relevant agency when such individual is not functioning as a member of the strike team shall be consistent with the emergency preparedness activities of the agency that employs such individual.

**(3) Location of members**

The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based pri-

marily within the region that corresponds to that strike team.

**(4) Coordination**

Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State, local, and tribal governments and private sector and non-governmental entities which the strike team shall support when a natural disaster, act of terrorism, or other man-made disaster occurs.

**(5) Preparedness**

Each Regional Office strike team shall be trained as a unit on a regular basis and equipped and staffed to be well prepared to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

**(6) Authorities**

If the Administrator determines that statutory authority is inadequate for the preparedness and deployment of individuals in strike teams under this subsection, the Administrator shall report to Congress regarding the additional statutory authorities that the Administrator determines are necessary.

(Pub. L. 107-296, title V, § 507, as added Pub. L. 109-295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1401.)

**PRIOR PROVISIONS**

A prior section 317, Pub. L. 107-296, title V, § 507, Nov. 25, 2002, 116 Stat. 2214, related to the role of the Federal Emergency Management Agency, prior to repeal by Pub. L. 109-295, title VI, § 611(4), Oct. 4, 2006, 120 Stat. 1395.

**EFFECTIVE DATE**

Section effective Mar. 31, 2007, see section 614(b)(3) of Pub. L. 109-295, set out as a note under section 701 of this title.

**§ 318. National Advisory Council****(a) Establishment**

Not later than 60 days after October 4, 2006, the Secretary shall establish an advisory body under section 451(a) of this title to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters, to be known as the National Advisory Council.

**(b) Responsibilities**

The National Advisory Council shall advise the Administrator on all aspects of emergency management. The National Advisory Council shall incorporate State, local, and tribal government and private sector input in the development and revision of the national preparedness goal, the national preparedness system, the National Incident Management System, the National Response Plan, and other related plans and strategies.

**(c) Membership****(1) In general**

The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable,



represent a geographic (including urban and rural) and substantive cross section of officials, emergency managers, and emergency response providers from State, local, and tribal governments, the private sector, and non-governmental organizations, including as appropriate—

(A) members selected from the emergency management field and emergency response providers, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency management personnel, or organizations representing such individuals;

(B) health scientists, emergency and inpatient medical providers, and public health professionals;

(C) experts from Federal, State, local, and tribal governments, and the private sector, representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community, particularly those with expertise in the emergency preparedness and response field;

(D) State, local, and tribal government officials with expertise in preparedness, protection, response, recovery, and mitigation, including Adjutants General;

(E) elected State, local, and tribal government executives;

(F) experts in public and private sector infrastructure protection, cybersecurity, and communications;

(G) representatives of individuals with disabilities and other populations with special needs; and

(H) such other individuals as the Administrator determines to be appropriate.

**(2) Coordination with the Departments of Health and Human Services and Transportation**

In the selection of members of the National Advisory Council who are health or emergency medical services professionals, the Administrator shall work with the Secretary of Health and Human Services and the Secretary of Transportation.

**(3) Ex officio members**

The Administrator shall designate 1 or more officers of the Federal Government to serve as ex officio members of the National Advisory Council.

**(4) Terms of office**

**(A) In general**

Except as provided in subparagraph (B), the term of office of each member of the National Advisory Council shall be 3 years.

**(B) Initial appointments**

Of the members initially appointed to the National Advisory Council—

(i) one-third shall be appointed for a term of 1 year; and

(ii) one-third shall be appointed for a term of 2 years.

**(d) Applicability of Federal Advisory Committee Act**

**(1) In general**

Notwithstanding section 451(a) of this title and subject to paragraph (2), the Federal Advi-

sory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5 shall apply to the National Advisory Council.

**(2) Termination**

Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Advisory Council.

(Pub. L. 107-296, title V, § 508, as added Pub. L. 109-295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1403.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (d), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 508 of Pub. L. 107-296 was renumbered section 519 and is classified to section 321h of this title.

EFFECTIVE DATE

Section effective Mar. 31, 2007, see section 614(b)(3) of Pub. L. 109-295, set out as a note under section 701 of this title.

**§ 319. National Integration Center**

**(a) In general**

There is established in the Agency a National Integration Center.

**(b) Responsibilities**

**(1) In general**

The Administrator, through the National Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, and any successor to such system or plan.

**(2) Specific responsibilities**

The National Integration Center shall periodically review, and revise as appropriate, the National Incident Management System and the National Response Plan, including—

(A) establishing, in consultation with the Director of the Corporation for National and Community Service, a process to better use volunteers and donations;

(B) improving the use of Federal, State, local, and tribal resources and ensuring the effective use of emergency response providers at emergency scenes; and

(C) revising the Catastrophic Incident Annex, finalizing and releasing the Catastrophic Incident Supplement to the National Response Plan, and ensuring that both effectively address response requirements in the event of a catastrophic incident.

**(c) Incident management**

**(1) In general**

**(A) National Response Plan**

The Secretary, acting through the Administrator, shall ensure that the National Response Plan provides for a clear chain of

command to lead and coordinate the Federal response to any natural disaster, act of terrorism, or other man-made disaster.

**(B) Administrator**

The chain of the command specified in the National Response Plan shall—

(i) provide for a role for the Administrator consistent with the role of the Administrator as the principal emergency management advisor to the President, the Homeland Security Council, and the Secretary under section 313(c)(4) of this title and the responsibility of the Administrator under the Post-Katrina Emergency Management Reform Act of 2006, and the amendments made by that Act, relating to natural disasters, acts of terrorism, and other man-made disasters; and

(ii) provide for a role for the Federal Coordinating Officer consistent with the responsibilities under section 5143(b) of title 42.

**(2) Principal Federal Official**

The Principal Federal Official (or the successor thereto) shall not—

(A) direct or replace the incident command structure established at the incident; or

(B) have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials.

(Pub. L. 107–296, title V, § 509, as added Pub. L. 109–295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1405.)

REFERENCES IN TEXT

The Post-Katrina Emergency Management Reform Act of 2006, referred to in subsec. (c)(1)(B)(i), is title VI of Pub. L. 109–295, Oct. 4, 2006, 120 Stat. 1394. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

PRIOR PROVISIONS

A prior section 509 of Pub. L. 107–296 was renumbered section 520 and is classified to section 321i of this title.

CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of this title.

**§ 320. Credentialing and typing**

The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, and organizations that represent emergency response providers, to collaborate on developing standards for deployment capabilities, including credentialing of personnel and typing of resources likely needed to respond to natural disasters, acts of terrorism, and other man-made disasters.

(Pub. L. 107–296, title V, § 510, as added Pub. L. 109–295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1406.)

PRIOR PROVISIONS

A prior section 510 of Pub. L. 107–296 was renumbered section 521 and is classified to section 321j of this title.

Another prior section 510 of Pub. L. 107–296 was classified to section 321 of this title, prior to repeal by Pub. L. 109–295.

CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of this title.

**§ 321. The National Infrastructure Simulation and Analysis Center**

**(a) Definition**

In this section, the term “National Infrastructure Simulation and Analysis Center” means the National Infrastructure Simulation and Analysis Center established under section 5195c(d) of title 42.

**(b) Authority**

**(1) In general**

There is in the Department the National Infrastructure Simulation and Analysis Center which shall serve as a source of national expertise to address critical infrastructure protection and continuity through support for activities related to—

(A) counterterrorism, threat assessment, and risk mitigation; and

(B) a natural disaster, act of terrorism, or other man-made disaster.

**(2) Infrastructure modeling**

**(A) Particular support**

The support provided under paragraph (1) shall include modeling, simulation, and analysis of the systems and assets comprising critical infrastructure, in order to enhance preparedness, protection, response, recovery, and mitigation activities.

**(B) Relationship with other agencies**

Each Federal agency and department with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive, shall establish a formal relationship, including an agreement regarding information sharing, between the elements of such agency or department and the National Infrastructure Simulation and Analysis Center, through the Department.

**(C) Purpose**

**(i) In general**

The purpose of the relationship under subparagraph (B) shall be to permit each Federal agency and department described in subparagraph (B) to take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center (particularly vulnerability and consequence analysis), consistent with its work load capacity and priorities, for real-time response to reported and projected natural disasters, acts of terrorism, and other man-made disasters.

**(ii) Recipient of certain support**

Modeling, simulation, and analysis provided under this subsection shall be provided to relevant Federal agencies and departments, including Federal agencies and departments with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive.

(Pub. L. 107-296, title V, §511, as added Pub. L. 109-295, title VI, §611(13), Oct. 4, 2006, 120 Stat. 1406.)

**PRIOR PROVISIONS**

A prior section 321, Pub. L. 107-296, title V, §510, as added Pub. L. 108-458, title VII, §7303(d), Dec. 17, 2004, 118 Stat. 3844, related to urban and other high risk area communications capabilities, prior to repeal by Pub. L. 109-295, title VI, §611(5), Oct. 4, 2006, 120 Stat. 1395.

**§ 321a. Evacuation plans and exercises****(a) In general**

Notwithstanding any other provision of law, and subject to subsection (d), grants made to States or local or tribal governments by the Department through the State Homeland Security Grant Program or the Urban Area Security Initiative may be used to—

- (1) establish programs for the development and maintenance of mass evacuation plans under subsection (b) in the event of a natural disaster, act of terrorism, or other man-made disaster;
- (2) prepare for the execution of such plans, including the development of evacuation routes and the purchase and stockpiling of necessary supplies and shelters; and
- (3) conduct exercises of such plans.

**(b) Plan development**

In developing the mass evacuation plans authorized under subsection (a), each State, local, or tribal government shall, to the maximum extent practicable—

- (1) establish incident command and decision making processes;
- (2) ensure that State, local, and tribal government plans, including evacuation routes, are coordinated and integrated;
- (3) identify primary and alternative evacuation routes and methods to increase evacuation capabilities along such routes such as conversion of two-way traffic to one-way evacuation routes;
- (4) identify evacuation transportation modes and capabilities, including the use of mass and public transit capabilities, and coordinating and integrating evacuation plans for all populations including for those individuals located in hospitals, nursing homes, and other institutional living facilities;
- (5) develop procedures for informing the public of evacuation plans before and during an evacuation, including individuals—
  - (A) with disabilities or other special needs;
  - (B) with limited English proficiency; or
  - (C) who might otherwise have difficulty in obtaining such information; and
- (6) identify shelter locations and capabilities.

**(c) Assistance****(1) In general**

The Administrator may establish any guidelines, standards, or requirements determined appropriate to administer this section and to ensure effective mass evacuation planning for State, local, and tribal areas.

**(2) Requested assistance**

The Administrator shall make assistance available upon request of a State, local, or tribal government to assist hospitals, nursing homes, and other institutions that house individuals with special needs to establish, maintain, and exercise mass evacuation plans that are coordinated and integrated into the plans developed by that State, local, or tribal government under this section.

**(d) Multipurpose funds**

Nothing in this section may be construed to preclude a State, local, or tribal government from using grant funds in a manner that enhances preparedness for a natural or man-made disaster unrelated to an act of terrorism, if such use assists such government in building capabilities for terrorism preparedness.

(Pub. L. 107-296, title V, §512, as added Pub. L. 109-295, title VI, §611(13), Oct. 4, 2006, 120 Stat. 1407.)

**CHANGE OF NAME**

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of this title.

**§ 321b. Disability Coordinator****(a) In general**

After consultation with organizations representing individuals with disabilities, the National Council on Disabilities, and the Interagency Coordinating Council on Preparedness and Individuals with Disabilities, established under Executive Order No. 13347, the Administrator shall appoint a Disability Coordinator. The Disability Coordinator shall report directly to the Administrator, in order to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

**(b) Responsibilities**

The Disability Coordinator shall be responsible for—

- (1) providing guidance and coordination on matters related to individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;
- (2) interacting with the staff of the Agency, the National Council on Disabilities, the Interagency Coordinating Council on Preparedness and Individuals with Disabilities established under Executive Order No. 13347, other agencies of the Federal Government, and State, local, and tribal government authorities regarding the needs of individuals with

disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

(3) consulting with organizations that represent the interests and rights of individuals with disabilities about the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

(4) ensuring the coordination and dissemination of best practices and model evacuation plans for individuals with disabilities;

(5) ensuring the development of training materials and a curriculum for training of emergency response providers, State, local, and tribal government officials, and others on the needs of individuals with disabilities;

(6) promoting the accessibility of telephone hotlines and websites regarding emergency preparedness, evacuations, and disaster relief;

(7) working to ensure that video programming distributors, including broadcasters, cable operators, and satellite television services, make emergency information accessible to individuals with hearing and vision disabilities;

(8) ensuring the availability of accessible transportation options for individuals with disabilities in the event of an evacuation;

(9) providing guidance and implementing policies to ensure that the rights and wishes of individuals with disabilities regarding post-evacuation residency and relocation are respected;

(10) ensuring that meeting the needs of individuals with disabilities are included in the components of the national preparedness system established under section 744 of this title; and

(11) any other duties as assigned by the Administrator.

(Pub. L. 107-296, title V, § 513, as added Pub. L. 109-295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1408.)

#### REFERENCES IN TEXT

Executive Order No. 13347, referred to in subsecs. (a) and (b)(2), is set out as a note under section 314 of this title.

#### CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of this title.

### § 321c. Department and Agency officials

#### (a) Deputy Administrators

The President may appoint, by and with the advice and consent of the Senate, not more than 4 Deputy Administrators to assist the Administrator in carrying out this subchapter.

#### (b) Cybersecurity and communications

There is in the Department an Assistant Secretary for Cybersecurity and Communications.

#### (c) United States Fire Administration

The Administrator of the United States Fire Administration shall have a rank equivalent to an assistant secretary of the Department.

(Pub. L. 107-296, title V, § 514, as added Pub. L. 109-295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1409.)

#### EFFECTIVE DATE

Section effective Mar. 31, 2007, see section 614(b)(3) of Pub. L. 109-295, set out as a note under section 701 of this title.

### § 321d. National Operations Center

#### (a) Definition

In this section, the term “situational awareness” means information gathered from a variety of sources that, when communicated to emergency managers and decision makers, can form the basis for incident management decisionmaking.

#### (b) Establishment

The National Operations Center is the principal operations center for the Department and shall—

(1) provide situational awareness and a common operating picture for the entire Federal Government, and for State, local, and tribal governments as appropriate, in the event of a natural disaster, act of terrorism, or other man-made disaster; and

(2) ensure that critical terrorism and disaster-related information reaches government decision-makers.

(Pub. L. 107-296, title V, § 515, as added Pub. L. 109-295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1409.)

### § 321e. Chief Medical Officer

#### (a) In general

There is in the Department a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

#### (b) Qualifications

The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

#### (c) Responsibilities

The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—

(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues;

(2) coordinating the biodefense activities of the Department;

(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the

Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

(5) serving as the Department's primary point of contact for State, local, and tribal governments, the medical community, and others within and outside the Department, with respect to medical and public health matters;

(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield; and

(7) performing such other duties relating to such responsibilities as the Secretary may require.

(Pub. L. 107-296, title V, §516, as added Pub. L. 109-295, title VI, §611(13), Oct. 4, 2006, 120 Stat. 1409.)

#### CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of this title.

### § 321f. Nuclear incident response

#### (a) In general

At the direction of the Secretary (in connection with an actual or threatened terrorist attack, major disaster, or other emergency in the United States), the Nuclear Incident Response Team shall operate as an organizational unit of the Department. While so operating, the Nuclear Incident Response Team shall be subject to the direction, authority, and control of the Secretary.

#### (b) Rule of construction

Nothing in this subchapter shall be construed to limit the ordinary responsibility of the Secretary of Energy and the Administrator of the Environmental Protection Agency for organizing, training, equipping, and utilizing their respective entities in the Nuclear Incident Response Team, or (subject to the provisions of this subchapter) from exercising direction, authority, and control over them when they are not operating as a unit of the Department.

(Pub. L. 107-296, title V, §517, formerly §504, Nov. 25, 2002, 116 Stat. 2213; renumbered §517, Pub. L. 109-295, title VI, §611(6), Oct. 4, 2006, 120 Stat. 1395.)

#### CODIFICATION

Section was formerly classified to section 314 of this title prior to renumbering by Pub. L. 109-295.

### § 321g. Conduct of certain public health-related activities

#### (a) In general

With respect to all public health-related activities to improve State, local, and hospital preparedness and response to chemical, biological, radiological, and nuclear and other emerging terrorist threats carried out by the Depart-

ment of Health and Human Services (including the Public Health Service), the Secretary of Health and Human Services shall set priorities and preparedness goals and further develop a coordinated strategy for such activities in collaboration with the Secretary.

#### (b) Evaluation of progress

In carrying out subsection (a), the Secretary of Health and Human Services shall collaborate with the Secretary in developing specific benchmarks and outcome measurements for evaluating progress toward achieving the priorities and goals described in such subsection.

(Pub. L. 107-296, title V, §518, formerly §505, Nov. 25, 2002, 116 Stat. 2213; renumbered §518, Pub. L. 109-295, title VI, §611(6), Oct. 4, 2006, 120 Stat. 1395.)

#### CODIFICATION

Section was formerly classified to section 315 of this title prior to renumbering by Pub. L. 109-295.

### § 321h. Use of national private sector networks in emergency response

To the maximum extent practicable, the Secretary shall use national private sector networks and infrastructure for emergency response to chemical, biological, radiological, nuclear, or explosive disasters, and other major disasters.

(Pub. L. 107-296, title V, §519, formerly §508, Nov. 25, 2002, 116 Stat. 2215; renumbered §519, Pub. L. 109-295, title VI, §611(6), Oct. 4, 2006, 120 Stat. 1395.)

#### CODIFICATION

Section was formerly classified to section 318 of this title prior to renumbering by Pub. L. 109-295.

### § 321i. Use of commercially available technology, goods, and services

It is the sense of Congress that—

(1) the Secretary should, to the maximum extent possible, use off-the-shelf commercially developed technologies to ensure that the Department's information technology systems allow the Department to collect, manage, share, analyze, and disseminate information securely over multiple channels of communication; and

(2) in order to further the policy of the United States to avoid competing commercially with the private sector, the Secretary should rely on commercial sources to supply the goods and services needed by the Department.

(Pub. L. 107-296, title V, §520, formerly §509, Nov. 25, 2002, 116 Stat. 2215; renumbered §520, Pub. L. 109-295, title VI, §611(6), Oct. 4, 2006, 120 Stat. 1395.)

#### CODIFICATION

Section was formerly classified to section 319 of this title prior to renumbering by Pub. L. 109-295.

### § 321j. Procurement of security countermeasures for Strategic National Stockpile

#### (a) Authorization of appropriations

For the procurement of security countermeasures under section 247d-6b(c) of title 42 (re-

ferred to in this section as the “security countermeasures program”), there is authorized to be appropriated up to \$5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed \$3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed \$890,000,000 may be obligated during fiscal year 2004. None of the funds made available under this subsection shall be used to procure countermeasures to diagnose, mitigate, prevent, or treat harm resulting from any naturally occurring infectious disease or other public health threat that are not security countermeasures under section 247d-6b(c)(1)(B) of title 42.<sup>1</sup>

**(b) Special reserve fund**

For purposes of the security countermeasures program, the term “special reserve fund” means the “Biodefense Countermeasures” appropriations account or any other appropriation made under subsection (a).

**(c) Availability**

Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.

**(d) Related authorizations of appropriations**

**(1) Threat assessment capabilities**

For the purpose of carrying out the responsibilities of the Secretary for terror threat assessment under the security countermeasures program, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2006, for the hiring of professional personnel within the Directorate for Information Analysis and Infrastructure Protection, who shall be analysts responsible for chemical, biological, radiological, and nuclear threat assessment (including but not limited to analysis of chemical, biological, radiological, and nuclear agents, the means by which such agents could be weaponized or used in a terrorist attack, and the capabilities, plans, and intentions of terrorists and other non-state actors who may have or acquire such agents). All such analysts shall meet the applicable standards and qualifications for the performance of intelligence activities promulgated by the Director of Central Intelligence pursuant to section 403-4<sup>1</sup> of title 50.

**(2) Intelligence sharing infrastructure**

For the purpose of carrying out the acquisition and deployment of secure facilities (including information technology and physical infrastructure, whether mobile and temporary, or permanent) sufficient to permit the Secretary to receive, not later than 180 days after July 21, 2004, all classified information and products to which the Under Secretary for Information Analysis and Infrastructure Protection is entitled under part A of subchapter II of this chapter, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2006.

(Pub. L. 107-296, title V, §521, formerly §510, as added Pub. L. 108-276, §3(b)(2), July 21, 2004, 118 Stat. 852; renumbered §521, Pub. L. 109-295, title VI, §611(7), Oct. 4, 2006, 120 Stat. 1395; amended Pub. L. 109-417, title IV, §403(c), Dec. 19, 2006, 120 Stat. 2874.)

REFERENCES IN TEXT

Section 247d-6b(c)(1)(B) of title 42, referred to in subsec. (a), was in the original “section 319F-2(c)(1)(B)”, which was translated as meaning section 319F-2(c)(1)(B) of the Public Health Service Act, to reflect the probable intent of Congress.

Section 403-4 of title 50, referred to in subsec. (d)(1), was repealed and a new section 403-4 enacted by Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3660, and, as so enacted, section 403-4 no longer relates to promulgation of standards and qualifications for the performance of intelligence activities.

Part A of subchapter II of this chapter, referred to in subsec. (d)(2), was in the original “subtitle A of title II”, meaning subtitle A of title II of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2145, which is classified generally to part A (§121 et seq.) of subchapter II of this chapter. For complete classification of part A to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 320 of this title prior to renumbering by Pub. L. 109-295.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-417, which directed amendment of section 510(a) of the Homeland Security Act of 2002, Pub. L. 107-296, by inserting a new last sentence, was executed to subsec. (a) of this section to reflect the probable intent of Congress and the redesignation of section 510(a) as 521(a) by Pub. L. 109-295, §611(7).

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.

SUBCHAPTER VI—TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND OTHER GOVERNMENTAL ORGANIZATIONS

**§ 331. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations**

**(a) Findings**

Congress finds the following:

(1) Members of the Armed Forces of the United States defend the freedom and security of our Nation.

(2) Members of the Armed Forces of the United States have lost their lives while battling the evils of terrorism around the world.

(3) Personnel of the Central Intelligence Agency (CIA) charged with the responsibility of covert observation of terrorists around the world are often put in harm’s way during their service to the United States.

<sup>1</sup> See References in Text note below.